

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GENE C. BENCKINI,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
UPPER SAUCON TOWNSHIP,	:	No. 04-4304
Defendant.	:	

ORDER

AND NOW, this 7th day of **July, 2005**, upon consideration of Plaintiff's Motion for a Second Amended Complaint (Document No. 28), Defendant's Motion to Strike Plaintiff's Motion for Second Amended Complaint (Document No. 29), Plaintiff's Motion for Leave for Second Amended Complaint (Document No. 30), and Defendant's Motion to Strike Plaintiff's Motion for Leave for Second Amended Complaint (Document No. 33) it is hereby **ORDERED** that:

1. Plaintiff's Motion for a Second Amended Complaint (Document No. 28) is **DENIED**.¹
2. Defendant's Motion to Strike (Document No. 29) is **GRANTED**.
3. Plaintiff's Motion for Leave for Second Amended Complaint (Document No. 30) is **DENIED**.²

¹ As Plaintiff has already amended his complaint, he may not do so again without leave of court or written consent of Defendant. *See* FED R. CIV. P. 15(a) (2005). It appears as though Defendant's Motion to Strike spurred Plaintiff to action as Benckini shortly thereafter filed a Motion for Leave for Second Amended Complaint, whose *only* difference to his Motion for a Second Amended Complaint is how he styled the motions.

² Some of the allegations made in Benckini's Motion for Leave for Second Amended Complaint appear related to those contained in the operative complaint. The Court reminds Mr. Benckini that the Federal Rules of Civil Procedure provide for notice pleading. It is neither

4. Defendant's Motion to Strike (Document No. 33) is **GRANTED**.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Berle M. Schiller', written over a horizontal line.

Berle M. Schiller, J.

necessary nor proper to inform the Court of every piece of information learned through the course of discovery. The Court will entertain a motion for summary judgment - where all of the relevant facts can and should be laid out for the Court's consideration - at the appropriate time pursuant to the Scheduling Order of May 26, 2005.